

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the following remarks. Claims 6, 81, 82, 84 and 86-89 are pending. Applicants thank the Examiner for noting that claims 6 and 89 are free of the prior art. With the above amendment, claims 84, 86 and 88 have been canceled. Accordingly, claims 6, 81, 82 and 89 are under consideration. Claims 81 and 82 have been amended to remove dependency to canceled claims. It should be noted that the above amendments are made without prejudice to prosecution of any or all subject matter modified and/or removed by this amendment in a related divisional, continuation and/or continuation-in-part application. No new matter has been added.

***Claims Rejected Under 35 U.S.C. § 102(e)***

Claims 81-82, 84, 86 and 88 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Jager *et al.* (WO 01/47959 A2). In particular, the Action contends that the cited reference discloses polynucleotides comprising at least 20 contiguous nucleotides of the sequence provided in SEQ ID NO:474. Further, the Action alleges that the polynucleotides of Jager *et al.*, were used as a diagnostic tool to determine expression pattern of NY-BR-1 in cancer samples, that the polynucleotides can be used within an expression vector, and that Jager *et al.* contemplates immunogenic compositions comprising expression vectors comprising the polynucleotides. Accordingly, the Action concludes that Jager *et al.* anticipates the claimed invention.

Without acquiescing to the rejections set forth in the Action, Applicants have canceled claims 84, 86 and 88 solely to advance prosecution of the present application and without prejudice to prosecution of any subject matter removed by this amendment in a related divisional, continuation and/or continuation-in-part application. Accordingly, Applicants submit that the rejection has been obviated and may be properly withdrawn.

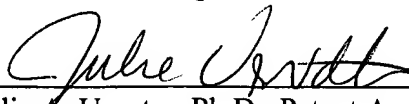
The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Application No. 09/551,621  
Reply to Office Action dated January 27, 2004

Applicants respectfully submit that all the claims remaining in the application are now believed allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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